



**CITY OF MORGAN HILL
COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Hedy L. Chang, Council Member
Steve Tate, Council Member
Larry Carr, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Larry Carr, Vice-Chair
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, MAY 2, 2001

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

Art Ala Carte

Julie Spier

PRESENTATION

Unveiling of Poppy Jasper Rock

Morgan Hill Historical Society

PROCLAMATION
City Clerk's Week
April 29 - May 5, 2001

CITY COUNCIL REPORT
Council Member Carr

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT
AGENCY.**

City Council Action

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #5 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time		Page
Estimate		
Consent Calendar:	1 - 10 Minutes	

- 1) **NINE MONTH PROGRESS REPORT ON 2000-2001 CITY WORKPLAN** 1
Recommended Action(s): Receive and File Report.
- 2) **INCREASE IN CONTRACT AMOUNTS FOR PLAN CHECKING CONSULTING SERVICES FOR THE
COMMUNITY DEVELOPMENT DEPARTMENT BUILDING DIVISION** 17
Recommended Action(s):
 1. **Transfer** \$80,000 from the Available Unappropriated Balance of the Community Development Building Division General Salaries Account to the Consultant Services Account (Acct. #206-5130-42231, and
 2. **Authorize** City Manager to Amend the Agreement to the Plan Checking Consultants Contract.

- 3) **DESIGNATING POPPY JASPER AS THE CITY'S OFFICIAL "GEM"** 53
Recommended Action(s): Adopt Resolution No. 5471 Designating the Poppy Jasper as the City's Official Gem.
- 4) **REQUEST TO EXTEND THE APPLICATION FILING PERIOD FOR THE RECRUITMENT OF ARCHITECTURAL AND SITE REVIEW BOARD (ARB) MEMBERS** 57
Recommended Action(s): Authorize Staff to Extend the Application Filing Period for the Recruitment of ARB Members to May 25, 2001 or Until Filled.
- 5) **PROPOSED AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE** 59
Recommended Action(s): Adopt Resolution No. 5472 Amending the City's Conflict of Interest Code.

PUBLIC HEARINGS:

- | | Time
Estimate | | Page |
|----|------------------|--|------|
| 6) | 10 minutes | <u>DEVELOPMENT AGREEMENT AMENDMENT DAA-01-02: NINA LANE - DOAN</u>
<u>Recommended Action:</u> Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action- <u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment (DAA) Ordinance, No. 1506, N.S.
<u>Motion to Introduce</u> Ordinance by Title Only. | 67 |
| 7) | 15 minutes | <u>MEASURE P APPEAL APPLICATION AP-01-01: COCHRANE - COYOTE ESTATES, MISSION RANCH AND ALICANTE DEVELOPMENTS</u>
<u>Recommended Action:</u> Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action – <u>Motion to Deny</u> Appeal and Adopt Resolution No. 5473 with Findings;
and
<i>If Appeal is Granted:</i>
Action – <u>Motion to Direct</u> Staff to Modify Allotment Evaluation and Final Distribution of the Building Allotment, If Applicable. | 79 |

OTHER BUSINESS:

- | | Time
Estimate | | Page |
|----|------------------|---|------|
| 8) | 5 minutes | <u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) SECOND YEAR PHASING REQUESTS</u>
<u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5470 Approving Second Year Phasing into Fiscal Year 2003-2004 for Projects in the 2000-2001 Open/Market Rate Competition. | 91 |

9)	10 minutes	<u>LIBRARY COMMISSION APPOINTMENTS AND EXTENSION OF THE PARKS AND RECREATION COMMISSION TERM</u> 97	
		<u>Recommended Action(s):</u>	
		1. <u>Appoint</u> Applicants to the Library Commission, and	
		2. <u>Approve</u> New Process for Interviewing and Recommending Candidates.	
		 <u>SECOND READING OF ORDINANCE:</u> Full Reading Waived By Majority Vote. (Government Code Section 36934) Action -- <u>Adopt</u> Ordinances by roll call vote.	
	Time Estimate		Page
10)	1 minute	<u>ADOPT ORDINANCE NO. 1504 NEW SERIES</u> 99	
		An Ordinance of the City Council of the City of Morgan Hill Rezoning a 2.3-acre Parcel (APN 767-21-045) from County RR to City R-2(3,500)/RDA, Multi-family Medium Residential Planned Development and 10.7 Acres from County RR to City R-1 9,000/RPD Single Family Medium Residential Planned Unit Development (APN 767-21-013, 014 & 015).	
11)	1 minute	<u>ADOPT ORDINANCE NO. 1505, NEW SERIES</u> 105	
		An Ordinance of the City Council of the City of Morgan Hill Approving Zoning Amendment, ZA-00-22: Madrone Parkway - TBI (APN's 726-35-001 (Portion) & 726-35-002)	

City Council and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
12)	5 minutes	<u>SUMMER 2001 MEETING SCHEDULE</u> 115	
		<u>Recommended Action(s):</u> City Council <u>Discussion</u> and <u>Direction</u> Regarding Its Summer Meeting Schedule.	

City Council Action

13)	20 minutes	<u>REVIEW OF DRAFT CITY COUNCIL BUDGET NARRATIVE AND DISCUSSION OF FISCAL YEAR 2001-02 BUDGET</u> 121	
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> Council Budget Narrative and Identify Modifications and/or Additions; and	
		2. <u>Identify</u> Budgetary Items for Fiscal Year 2001-02.	

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(c) (one case)

2.

CONFERENCE WITH LEGAL COUNSEL (POTENTIAL LITIGATION) AND CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8, 54956.9(b), & 54956.9(c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators: City Council/Agency Members; City Manager/Executive Director; City Attorney/Agency Counsel; and Special Counsel
For Property Owner: San Jose Christian College representatives
Closed Session Topic/Under Negotiations: Potential Litigation & Price and Terms of Payment

3.

CONFERENCE WITH LABOR NEGOTIATORS

Legal Authority: Government Code Section 54957.6
Agency Negotiators: City Manager, Assistant to the City Manager (Melissa Dile), City Attorney

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Name of Case: City of San Jose v. Morgan Hill Unified School District, City of Morgan Hill
Case Number: Superior Court, County of Santa Clara CV794073

5.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(b) (1 potential case)

6.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8
Property: APN 817-13-001; 37.8 acres (soccer complex)
Negotiating Parties:
 For City: City Manager, City Attorney, Public Works Director
 For Property Owners: Tadashi & Alice A. Kadonaga, Trustee
Under Negotiation: Price and Terms of Payment

ADJOURN TO CLOSED SESSION:

RECONVENE:

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT